

REMARKS

Claims 1-4, 6-20 and 23-36 are pending in the application, with Claims 1, 12, 17, 24-26 and 35 being independent claims.

The Examiner has rejected Claim 27 under 35 U.S.C. §112, first paragraph. The Examiner has rejected Claims 1-7, 10-12, 15-26, 28-30, 32, 33, 35 and 36 under 35 U.S.C. §102(b) as being unpatentable over international Application No. WO 00/05912 to *Philip et al.* (hereinafter, *Philip*). The Examiner has rejected Claims 8, 9, 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over *Philip* in view of GB Publication No. 2398455 to *John et al.* (hereinafter, *John*). The Examiner has rejected Claims 31 and 34 under 35 U.S.C. §103(a) as being unpatentable over *Philip* in view of U.S. Publication No. 2003/0003883 to *Samuels et al.* (hereinafter, *Samuels*). The Examiner has rejected Claims 31 and 34 under 35 U.S.C. §103(a) as being unpatentable over *Philip* in view of European Patent No. 1,168,878 to *Uebayashi et al.* (hereinafter, *Uebayashi*).

Regarding the §112, first paragraph rejection of Claim 27, the Examiner contends that Claim 27 recites that the TDD bandwidth is greater than the FDD bandwidth, which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed had possession of the claimed invention. Applicants respectfully disagree. Referring to page 8, line 20-page 10, line 2, i.e. the description of Fig. 1 of the present application, it is disclosed that the TDD frequency resource, i.e. the bandwidth area, is assigned more frequency resources than the FDD frequency resource area. Accordingly, Claim 27 is supported by the disclosure of the present application.

Regarding the rejection of Claims 1-7, 10-12, 15-26, 28-30, 32, 33, 35 and 36 under 35 U.S.C. §102(b), independent Claims 1, 12, 17, 24-26 and 35 have been amended to recite that the base station sets up a guard time of a predetermined time between switching times of a forward link and a reverse link in the TDD mode, and assigns time slots beginning at a time slot in an area close to the guard time in order of each mobile station nearest to the base station. *Philip* fails to expressly teach or impliedly suggest the above feature of the present invention.

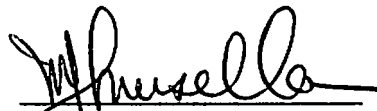
Regarding Claims 2-7, 10, 11, 15, 16, 18-23, 28-30, 32, 33 and 36, while not conceding the patentability of the dependent claims, *per se*, Claims 2-7, 10, 11, 15, 16, 18-23, 28-30, 32, 33 and 36 are also allowable for at least the above reasons. Accordingly, Applicants assert that Claims 1-7, 10-12, 15-26, 28-30, 32, 33, 35 and 36 are allowable over *Philip* and the rejection under 35 U.S.C. §102(b) should be withdrawn.

Regarding the rejections of Claims 8, 9, 13, 14, 31 and 34, Claims 9 and 14 have been cancelled. *Johns, Samuels* and *Uebayashi* fail to remedy the deficiencies of *Philip* described above with respect to the independent claims. Accordingly, Applicants assert that Claims 8, 13, 31 and 34 are allowable over *Philip, Johns, Samuels, Uebayashi*, or any combinations thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Claims 37 and 38 have been added, and contain no new matter. Support for the subject matter of the new claims can be found on pages 5 and 18 of the Specification, and in FIG. 1.

Therefore, all of the claims pending in the Application, namely, Claims 1-4, 6-8, 10-13, 15-20 and 23-38 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", written over a horizontal line.

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